

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18432

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18432 is held by the Archer Daniels Midland Company.
2. Appropriation A-18432 was approved by the Department on May 8, 2007.
3. Appropriation A-18432 authorizes the appropriator to divert 56.0 cubic feet per second of water from the Loup River via the Columbus-Genoa Canal headgate located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 16 North, Range 4 West of the 6th P.M. in Nance County, for non-consumptive cooling purposes. The approval was conditioned upon the following deadlines:
 - a. a project map filed by November 8, 2007;
 - b. start of construction by November 8, 2007; and
 - c. completion of construction by May 8, 2008.
4. On October 31, 2007, the Archer Daniels Midland Company filed a petition for a (1) year extension of time in which to file its project map.
5. On November 6, 2007, the Archer Daniels Midland Company filed a petition for a one-year extension of time in which to begin project construction.
6. On November 7, 2007, the Archer Daniels Midland Company filed a petition for a one-year extension of time in which to complete project construction.
7. On January 21, 2008, the Department approved the petitions for extension of time to begin construction and to file a map to November 8, 2008, and completion of construction to May 8, 2009.
8. As of this date, no map has been filed.
9. As of this date construction has not been completed.
10. Nebraska Revised Statutes Section 46-238 provides for the cancellation of an appropriation in the event that the appropriator fails to comply with the terms of the approval.

Order

IT IS HEREOFRE ORDERED that appropriation A-18432 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

December 31, 2009

/s/
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website and provided to the Department's field office in Norfolk, Nebraska. A copy of this Order was mailed on December _____, 2009, to the following:

Robert L. Bauer, Environmental Manager,
3000 East 8th Street
Columbus, Nebraska 68601